

09-13-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/811,080	03/26/2004	Mary E. Gerritsen	11669.192USC1

CONFIRMATION NO. 8064

23552  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

FORMALITIES LETTER



\*OC000000012920334\*

Date Mailed: 06/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/14/2004 WHEKONEN 00000111 132725 10811080

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1201	1610.00 DA
04 FC:1202	540.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

B.A.  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GERRITSEN ET AL. Examiner: UNKNOWN  
Serial No.: 10/811,080 Group Art Unit: 1614  
Filed: MARCH 26, 2004 Docket: 11669.192USC1  
Confirmation No.: 8064 Customer No.: 23552  
Title: NOVEL POLYPEPTIDES, THEIR NUCLEIC ACIDS, AND METHODS FOR THEIR USE  
IN ANGIOGENESIS AND VASCULARIZATION

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 408488302 US  
Date of Deposit: September 10, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Sheryl A. Boerboom*  
Name: Sheryl A. Boerboom

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Parts of NonProvisional Application - Part 2
- ☒ Preliminary Amendment
- ☒ Request for Extension of Time for 1 month and fee of \$110.00
- ☒ Response to Notice to Comply and Certificate Regarding Sequence Listing, Communication Pursuant to 37 CFR 1.821(e) and paper copy of sequence listing
- ☒ Checks in the amount of \$770.00 for filing fee, \$110.00 for one-month extension of time fee and \$130.00 for missing parts surcharge. **Please charge our Deposit Account No. 13-2725 in the amount of \$2,260.00 for additional claim fees.**
- ☒ Return postcard

CLAIMS AS AMENDED

Claims Remaining After Amendment		Highest Number Previously Paid For		Present Extra		Rate		Fee
Total Claims								
50	-	20	=	30	x	\$18.00	=	\$540.00
Independent Claims								
23	-	3	=	20	x	\$86.00	=	\$1,720.00
MULTIPLE DEPENDENT CLAIM FEE								\$0.00
TOTAL FILING FEE								\$2,260.00

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: *Katherine M. Kowalchuk*  
Name: Katherine M. Kowalchuk  
Reg. No.: 36,848  
KKowalchuk:sab



S/N 10/811,080

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GERRITSEN ET AL.	Examiner:	UNKNOWN
Serial No.:	10/811,080	Group Art Unit:	1614
Filed:	MARCH 26, 2004	Docket No.:	11669.192USC1
Confirmation No.:	8064	Customer No.:	23552
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By:

Name: Sheryl A. Boerboom

**RESPONSE TO NOTICE TO COMPLY AND  
CERTIFICATE REGARDING SEQUENCE LISTING**

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the Examiner's communication mailed June 10, 2004. In response to the Notice to Comply and in accordance with the requirements of 37 C.F.R. § 1.821 - § 1.825, Applicants enclose herewith a communication pursuant to 37 CFR § 1.821(e) to request to use a Sequence Listing submitted in a previously filed application.


In accordance with MPEP §2422.05, a paper copy of the Sequence Listing is included with this communication. Please insert the paper copy into the file after the Executed Oath or Declaration, as required by 37 C.F.R. § 1.77(a)(15). Applicants hereby state that the computer readable form in application Serial No. 09/684,458 and the paper copy of the Sequence Listing enclosed do not include new matter.

Pursuant to the Examiner's request, also enclosed is a copy of the Notice to Comply with the sequence listing rules. Accordingly, it is believed the application complies with the sequence listing requirements.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: September 10, 2004

  
Katherine M. Kowalchyk

Reg. No. 36,848  
KMK:sab

